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Town of New Glarus

**MINUTES
TOWN OF NEW GLARUS
Plan Commission Meeting
Thursday February 21, 2013
Town Hall- Swiss Miss Center 1101 Hwy 69 New Glarus @ 6:30 PM**

ATTENDING: Keith Seward, Robert Elkins, Duane Sherven, John Ott, John Freitag (arrived 6:50 pm),
Reginald Reis (arrived 7:03pm) and Susan McCallum, Deputy Clerk/Plan Administrator.

ALSO ATTENDING: Dean Streiff- Alternate, Dale Hustad- Town Attorney, Will Alt- Agent US Cellular
and Tom Wunderlin.

ABSENT: None.

1. Call to Order: Keith Seward called the meeting to order at 6:30pm.
2. Review Proper Proof of Posting: Deputy Clerk stated agenda was posted in all three public places.
3. Approve Minutes from January 17, 2013: J. Ott moved to approve the amended minutes, 2nd by D. Sherven. Motion carried. B. Elkins stated there is a typo in #9 ETA should be ETZ, and asked to amend this sentence to say "would not need to go through the process based upon discussion by Bob Elkins with the Village Administrator." Strike sentence following "Hustad felt it limits Borucki to come in and say he has so many to build." Motion by J. Ott to amend the minutes as discussed, 2nd D. Sherven, motion carried.
4. Public Comments: None
5. Plan Administrator Update, receipt of warranty deed, opening on Plan Commission:
Gof Thomson's position on the commission is open, S. McCallum stated that B. Elkins had supplied a copy of Warranty Deed and Easement Agreement & Right of First Refusal documents as requested at last month's meeting.
6. Discuss and consider the addition of three Verizon 4G antennas to the cell tower at W5949 Hwy 39: William Alt is here representing Verizon through Insite, Inc. would like to add 3 additional antennas at the 140' height where they have 6 already since 2003. The new ones are smaller 5' instead of 9' tall. Verizon already leases the space from US Cellular. McCallum said in reviewing this cell tower file, the original plans listed 4 locations and there are now 5 locations identified on submitted engineering documents. She presented the history of the tower including; at what point Verizon leased space, requirement that US Cellular is to provide the township with current insurance and has not since original permit in 2010. She said that W. Alt has agreed to assist in providing the insurance document as well as current contact information for US Cellular. W. Alt stated that Alltel has been acquired by Verizon, he has copies of lease agreements from 2003 for Alltel, which transferred to Verizon. They are leasing space at 140' on the tower and some ground space. K. Seward explained the fees for this tower and collocation monies already collected equal \$8,000 but with the current 6 locations (based on picture from 2010) it should be \$14,000. K. Seward read from the ordinance the definition of locations or collocation. S. McCallum stated the original engineering was for 4 locations. Hustad wondered at what heights, S. McCallum responded the 185, 170, 160, 140 foot heights. She said that now there are two or three more heights according to current engineer's data from the tower loading chart. D. Sherven asked will tower support this addition. It was decided that none of these issues are really Mr. Alt's issues as he wants to add three additional antennas at the same 140' on their already leased space. K. Seward said then currently there are 6 antennas at 32# each for a total of 180 pounds. He questioned the engineering analysis, does this say this is for whole tower. W. Alt no just that it is safe to add the three new antennas. J. Ott wondered if they should know what kind of lease agreement they have as far as liability. W. Alt stated Verizon provides proof of insurance to US Cellular. K. Seward wanted to know when the installation date

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would be, W. Alt as soon as they get approval, early spring. K. Seward posed a question to D. Hustad whether permit is necessary and/or a fee. D. Hustad replied this does not fit the requirements in the ordinance for a permit to be necessary. D. Sherven felt it did meet permit requirements based upon renovation, increase of antenna capacity. B. Elkins felt that some of the additional items in the picture taken in 2012 are only at a height a few feet different than the identified locations and therefore should not be considered separate locations. There was still a question about whether capacity was increased, K. Seward stated he agrees with B. Elkins about antenna locations. W. Alt stated they are not changing the capacity just completing it. K. Seward asked W. Alt to contact US Cellular and tell them about the dilemma, what was tower designed for, and then we may need to adjust our escrow, as he feels they have gone above what they had originally told the township. W. Alt suggested the definition in the ordinance meets what they have done prior to today. S. McCallum asked whether to give back the \$500 check for the permit, K. Seward asked the commission if this is appropriate. Yes. W. Alt doesn't have a problem contacting US Cellular but he only came before the commission for Verizon's addition of antennas. J. Ott tried to clarify that this issue is US Cellular's not Verizon's. W. Alt stated the engineer's report states that the tower was safe before and will be safe for this addition. D. Hustad wondered do we hold Verizon up while we wait for clarification on ability of tower to support three antennas. W. Alt stated it sounds to him like he can go ahead with his project and he will provide proof of insurance from Verizon and US Cellular. D. Hustad, posed would an answer at March meeting be soon enough or is the commission saying go ahead with antennas. J. Ott stated if they don't need a permit then they don't need a motion. K. Seward asked W. Alt if he is comfortable with tonight's discussion. J. Freitag wonders whether the town board has to review and approve, decision was no. W. Alt wondered if they have US Cellular here in March can they proceed, or can they go forward now. J. Ott stated and the rest agreed that they can go forward now. W. Alt stated he would get the insurance documents in the mean time and he will talk to US Cellular about coming to the March meeting.

7. Discussion and consider CSM of Lot #1 for Tom Wunderlin at N9530 County Hwy O: Tom presented his plans to commission. K. Seward questioned whether he plans to remove the current house and replace. He stated further along yes. They asked for clarification as to the location in the lot, where current home is located. T. Wunderlin said he hasn't finalized that, he just wanted at this meeting to see if this CSM is approved. K. Seward wondered to D. Hustad if this is just a neighbor exchange to himself or is there a split occurring. T. Wunderlin said that he is not intending future development on the remaining acreage of the parcels. J. Ott wondered why he is doing this at all. He replied his main reasoning is because he has a lien on the whole 224 acres and he needs to define this building lot for financing, also because he is creating a CSM that needs to be filed with the county it would need town review and approval. K. Seward said this does take a split and will count as one. D. Hustad stated the existing farmhouse does count as one split and replacing this house is still just one split. T. Wunderlin said he is okay with one split being taken. R. Reis said he is not losing a split he is just defining the first one. K. Seward identified that the CSM is creating an easement for the driveway and in the future if developed you would need a shared driveway agreement. B. Elkins moved that the town chair sign this CSM, 2nd by J. Freitag, motion carried. K. Seward asked does this need to go to board for the public hearing process. D. Hustad said no because he is surrounded by his own property and the land split does not affect adjacent land owners

8. Discuss Ordinance 110 in regards to applicability for tillable acres in relation to open space requirements for rest of parcel development: Sherri Wilde acting as agent of Jane and Andy Crawford posed a question at the technical review meeting she attended on 2/7/12 with S. McCallum and Mike Fenley; Would the proposed split and sale of approximately 122 acres of 2nd tillable satisfy the open space requirements for developed land within the same contiguous parcels. S. McCallum said she received 7 more questions in today's email from S. Wilde. The commission replied to the first posed question that yes, if it is if deed restricted for open space. D. Sherven agreed as they develop and use the entire property. K. Seward stated if they do all in a large lot development this would require 91% open space. The original parcel size and number of splits was reviewed and

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agreed there are 7 large lot splits available. D. Hustad and others said open space does not have to be adjacent to developed property. Does it need to be within the contiguous parcel, yes. For example all of the open space is on one side of the contiguous property. D. Hustad said this doesn't apply to separated parcels as you are then in effect selling development rights. The way the property is right now it would work. The number of splits available and taken was discussed; two splits already taken one for the main house and one for the cottage. Five more residential large lot splits are currently available. K. Seward said there is potential to cluster around the house and/or cottage with a third lot. J. Ott stated they have to decide on the whole plan, this could be a major subdivision of 9 or more lots. K. Seward felt if they maximized the cluster concept they could have potential for 18 residential lots. The commission stated they need to come in and speak with someone about development potential. S. McCallum said S. Wilde met with her and Mike Fenley but had a very rough plan. It is the position of the commission that from now on she needs to submit a plan and pay the appropriate fees. The answer to the rest of her questions is that they are dependent on suitability of building sites. K. Seward questioned whether or not Titus Lane would need to be brought up to town road standards if housing is developed along the road, and not all the land on either side is suitable for building. K. Seward asked D. Hustad to review the Titus Lane issue and forward his findings to the Plan Administrator. The commission felt at this point a plan needs to be submitted for review along with the appropriate fees.

9. Updates:

- a. Joint Negotiation Committee. K. Seward reported that the Village Attorney is concerned about some elements of the CDA, such as giving away some annexation rights for a total of seven issues. The village negotiating committee had a concern with revenue caps. At the January 5 meeting the negotiating committee addressed the revenue cap issue. Their attorney missed two meetings and still wanted review which they granted an audience. K. Seward hasn't heard any response yet. The Department of Administration has granted an extension to the 2/15 deadline for an additional 180 days. The next joint negotiating meeting is scheduled for March 6. K. Seward had attended a village board meeting on 2/5 where they were to sign but did not. K. Seward noted a concern whether this jeopardized the intent of a cooperative boundary agreement. At these same meetings the village board agreed to a Letter of Intent for the town hall in the new library. This would precede a lease to be signed by the parties. Someone on village board questioned what happens if the CDA doesn't go through, would this impact the Town Hall/Library agreement. K. Seward said he made a motion to install the revenue cap for the town and thought it was clear. From the town's position we have an agreement and it is up to the village to propose amendments. D. Hustad has replaced Gof Thomson on the negotiating team. K. Seward said he plans to present to the town negotiating committee naming an alternate to the committee. J. Freitag asked do you perceive the current agreements as fair. K. Seward said yes, if you look at the dollars at the end of the commitment for the village and the town's is relative to the operating budget. The Village Administrator had some calculations that showed a potential to increase the amount we pay 80 +% of the operating budget, so that is why we requested a cap. The village also felt that a cap was included from their side. R. Reis wondered whether school head count reflects a loss in children in the school and therefore residents. Would the negotiating committee be interested obtaining this data for the past 10 years. D. Hustad wondered why it would be more important than overall population because not only children use the library and school. K. Seward stated about 1,300 residents are currently in the township. R. Reis felt children primarily impact all services more than other segments of the population. K. Seward agreed to explore obtaining this information.

10. Set Next Meeting Date and Agenda: March 28 tentative to agenda. US Cellular will be invited to attend for clarification of tower design and current insurance coverage.

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11. Adjourn: B. Elkins moved to adjourn at 8:41pm, 2nd J. Ott. Motion carried